



UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8600

UNITED STATES OF AMERICA,	)	MAGISTRATE CASE NO.:
	)	
Plaintiff,	)	Title 8, U.S.C. § 1326
	)	Deported Alien Found in
v.	)	the United States
	)	
Efrain ALVAREZ-Garcia	)	
	)	
Defendant.	)	
	)	

The undersigned complainant being duly sworn states:

On or about July 1, 2008, within the Southern District of California, defendant Efrain ALVAREZ-Garcia, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
MARCO A. MIRANDA  
SENIOR BORDER PATROL AGENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3<sup>RD</sup> DAY  
OF JULY 2008.

  
PETER C. LEWIS  
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

v.

2 Efrain ALVAREZ-Garcia

3 STATEMENT OF FACTS

4 The complainant states that this complaint is based upon the  
5 statements of the apprehending Border Patrol Agent T. Hendricks,  
6 that Efrain ALVAREZ-Garcia was found and arrested on July 1,  
7 2008, approximately 3.5 miles east of Calexico, California.

8 On July 1, 2008, at approximately 9:00 p.m., the Remote  
9 Video Camera Operators monitoring the Calexico area of operations  
10 concentrate specifically on the area where the All American Canal  
11 intersects with Barbara Worth Road. A bridge which goes over the  
12 canal at that intersection is known as the Five Bridge. Remote  
13 Video Camera Operators spotted four individuals swimming along  
14 the edge of the All American Canal making their way from Mexico  
15 into the United States.

16 Agent Hendricks responded to the area and was notified by  
17 Remote Video Camera Operators the four individuals who had made  
18 an illegal entry were now underneath the Five Bridge. Agent  
19 Hendricks identified himself as a Border Patrol Agent and began  
20 questioning the four individuals regarding their citizenship.  
21 One of the four individuals was later identified as Efrain  
22 ALVAREZ-Garcia. The four individuals admitted to Agent Hendricks  
23 they were citizens of Mexico and they had entered the United  
24 States illegally. The individuals were placed under arrest.

25 Record checks revealed an Immigration Judge ordered ALVAREZ  
26 deported to Mexico from the United States on April 13, 2007.

27 Agent J. Bottcher advised ALVAREZ of his rights as per  
28 Miranda. ALVAREZ stated he understood his rights and was willing  
to answer questions without the presence of an attorney. ALVAREZ  
stated he was a citizen of Mexico. ALVAREZ admitted he entered  
the United States by crossing the international boundary between  
Mexico and the United States and then swimming westward in the

1 All American Canal. BPA Bottcher asked ALVAREZ if he had any  
2 documentation in order to remain in the United States legally.  
3 ALVAREZ stated that he did not.

4 There is no evidence ALVAREZ has ever applied to the  
5 Attorney General of the United States for permission to re-enter  
6 the United States after having been deported, excluded, or  
7 removed from the United States.  
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